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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,755	10/19/2005	Hugh Owen Lovesy	37388-404900	4753
27717 7590 02/02/2009 SEYFARTH SHAW LLP 131 S. DEARBORN ST., SUITE 2400 CHICAGO, IL 60603-5803				
EXAMINER KANERVO, VIRPI H				
ART UNIT 3691		PAPER NUMBER		
MAIL DATE 02/02/2009		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/528,755

Applicant(s)

LOVESY ET AL.

Examiner

VIRPI H. KANERVO

Art Unit

3691

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 September 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-12 and 14-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-12 and 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of the Claims

1. Claims 1, 3-12, and 14-22, are presented for examination. Applicant filed an amendment on 09/29/2008 amending claims 1 and 12; and canceling claims 2 and 13; and arguing against the rejection of claims 1, 3-12, and 14-22, in Office action dated 03/25/2008. Examiner has considered Applicant's arguments carefully, but finds them non-persuasive. Therefore, the rejection of claims 1, 3-12, and 14-22, is a FINAL rejection of the claims.

Response to Arguments

2. Examiner has considered Applicant's arguments with respect to Bose (6,271,863 B1) reference carefully, but finds them not persuasive. Applicant argues that Bose "does not disclose any graphical tool which is capable of any association with another graphic to graphically represent the variance between the target value and the actual value." Examiner disagrees. Bose specifically discloses a graphic (Bose: Fig. 1) showing: "the independent variables are represented graphically by symbols that contain an element that is capable of representing the magnitude of a quantity in some graphical manner" (Bose: col. 2, lines 23-

27). Further, Bose discloses: "the magnitude of a variable may be represented by a length of an arrow" (Bose: col. 2, lines 27-28) and "a bar in a bar graph may also be used in this manner (Bose: col. 2, lines 35-36). Therefore, Bose discloses "graphical tool which is capable of ... association with another graphic to graphically represent the variance between the target value and the actual value."

3. Examiner has considered Applicant's arguments with respect to Heckman (5,875,431) reference carefully, but finds them not persuasive. Applicant argues that Heckman "does not disclose any specific graphical interface which is suitable for representing planned values, target values or actual values in a graphical proportional in dimension to the value represented, nor ... any representation of variances between the target value and actual value." However, Examiner never claimed that Heckman discloses "any specific graphical interface which is suitable for representing planned values, target values or actual values in a graphical proportional in dimension to the value represented, nor ... any representation of variances between the target value and actual value." Examiner claimed that Heckman reference shows "the financial information including a planned value in respect of a pre-determined period of time, a target value being a proportion of the planned value at a pre-determined point during the period of time, and an actual value as at the pre-determined point during the period of time

(Heckman: col. 23, lines 19-23); and the variance between the target value and the actual value (Heckman: col. 23, lines 23-24).

4. Applicant argues that "it would be unreasonable for a person of ordinary skill in the art to combine Heckman and Bose as the documents are inherently different and each teaches a completely different system." Applicant argues specifically that "even in the unreasonable event of a person of ordinary skill in the art combining Heckman and Bose, the resulting combination would not have rendered the presently claimed invention to be obvious" under *KSR International Co. v. Teleflex Inc.*, 550 US 398 (2007) ("*KSR*"). Examiner disagrees.

Under *KSR*, the rationale to support a conclusion that the claim would have been obvious is that (1) all the claimed elements were known in the prior art; (2) one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions; and (3) the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention.

Here, (1) Bose discloses all the other elements of the claim 1, except the financial information including a planned value in respect of a pre-determined period of time, a target value being a proportion of the planned value at a pre-determined point during the period of time, and an actual value as at the pre-determined point during the period of time; and the variance between the target value and the actual value. Heckman discloses the financial information including

a planned value in respect of a pre-determined period of time, a target value being a proportion of the planned value at a pre-determined point during the period of time, and an actual value as at the pre-determined point during the period of time; and the variance between the target value and the actual value. Therefore, all the claimed elements were known in the prior art. (2) Heckman does not change the existing elements in Bose. Also, the elements in Heckman, which are combined with the elements of Bose, remain the same after combining the elements of Bose and Heckman. Therefore, one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions. (3) The results of combination of Bose and Heckman are predictable because the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention.

Therefore, the combination of Bose in view of Heckman renders the presently claimed invention to be obvious under *KSR*.

5. Applicant also argues that the claimed subject matter solved a problem that was long standing in the art. However, there is no showing that others of ordinary skill in the art were working on the problem and if so, for how long. In addition, there is no evidence that is persons skilled in the art who were presumably working on the problem knew of the teachings of the above cited references, they would still be unable to solve the problem. See MPEP § 716.04.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. § 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in § 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-4, 6-8, 12-15, and 17-18, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bose (6,271,863 B1) in view of Heckman (5,875,431).

As to claims 1 and 12, Bose shows presenting financial information to a user wherein the financial information is represented by a graphic (Bose: Fig. 1) proportional in dimension to the value represented (Bose: col. 2, lines 23-37); associating the graphics with one another so that they are graphically represented to the user (Bose: Fig. 1); manipulating at least one of the graphics by adjusting the dimension of the graphics (Bose: col. 2, lines 3-5, 27-31 and 35-37); and modifying the financial information based on the manipulation of the at least one graphic (Bose: col. 2, lines 7-10).

Bose does not show the financial information including a planned value in respect of a pre-determined period of time, a target value being a proportion of the planned value at a pre-determined point during the period of time, and an

actual value as at the pre-determined point during the period of time; and the variance between the target value and the actual value. Heckman shows the financial information including a planned value in respect of a pre-determined period of time, a target value being a proportion of the planned value at a pre-determined point during the period of time, and an actual value as at the pre-determined point during the period of time (Heckman: col. 23, lines 19-23); and the variance between the target value and the actual value (Heckman: col. 23, lines 23-24). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and system of Bose by the financial information including a planned value in respect of a pre-determined period of time, a target value being a proportion of the planned value at a pre-determined point during the period of time, and an actual value as at the pre-determined point during the period of time; and the variance between the target value and the actual value of Heckman in order to provide an access to data from which future costs can be predicted reasonably (Heckman: col. 2, lines 44-46).

As to claims 3 and 14, Bose in view of Heckman shows all the elements of claims 1 and 12. Bose also shows the financial information that the at least one graphic represents corresponds to the position of the graphic (Bose: Fig. 1), and the step of manipulating the graphic includes the step of moving the graphic (Bose: col. 2, lines 31-33).

As to claims 4 and 15, Bose in view of Heckman shows all the elements of claims 1 and 12. Bose also shows the step of creating a graphic and the financial information represented by that graphic (Bose: Fig. 1).

As to claims 6 and 17, Bose in view of Heckman shows all the elements of claims 1 and 12. Bose also shows the step of storing the financial information (Bose: col. 1, lines 18-20).

As to claims 7 and 18, Bose in view of Heckman shows all the elements of claims 1 and 12. Bose also shows the step of substituting the at least one graphic with an alternative graphic (Bose: col. 2, lines 7-10).

As to claims 8 and 19, Bose in view of Heckman shows all the elements of claims 1 and 12. Bose also shows the step of representing the financial information wholly numerically (Bose: col. 3, lines 12-14).

8. Claims 5, 9-11, 16, and 20-22, are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bose in view of Heckman, and further in view of Groat (2001/0009003 A1).

As to claims 5 and 16, Bose in view of Heckman shows all the elements of claims 1 and 12. Bose also shows the step of indication of positive and negative financial status (Bose: Fig. 1, label 106). Bose in view of Heckman does not show generating icons. Groat shows generating icons (Groat: page 4, ¶ 48). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and system of Bose in view of Heckman by generating icons of Groat in order to provide visual display of the financial status (Groat: page 1, ¶ 7).

As to claims 9 and 20, Bose in view of Heckman shows all the elements of claims 1 and 12. Bose in view of Heckman does not show that the planned value is a budget, and further including the step of generating icons representative of budget items within the budget. Groat shows that the planned value is a budget, and further including the step of generating icons representative of budget items within the budget (Groat: page 4, ¶ 49). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and system of Bose in view of Heckman by the planned value being a budget, and further including the step of generating icons representative of budget items within the budget of Groat in order to provide visual display of the financial status (Groat: page 1, ¶ 7).

As to claims 10 and 21, Bose in view of Heckman, and further in view of Groat, shows all the elements of claims 9 and 20. Bose also shows manipulating the graphic (Bose: col. 2, lines 3-5). Bose in view of Heckman does not show the step of associating a graphic with each icon whereby that budget item can be modified. Groat shows the step of associating a graphic with each icon whereby that budget item can be modified (Groat: page 4, ¶ 49). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and system of Bose in view of Heckman by associating a graphic with each icon whereby that budget item can be modified of Groat in order to provide visual display of the financial status (Groat: page 1, ¶ 7).

As to claims 11 and 22, Bose in view of Heckman, and further in view of Groat, shows all the elements of claims 9 and 20. Bose in view of Heckman does not show the step of generating icons representing a time period over which the budget is to extend. Groat shows the step of generating icons representing a time period over which the budget is to extend (Groat: page 6, ¶ 62). It would have been obvious to one of ordinary skill in the art at the time of the invention to have modified the method and system of Bose in view of Heckman by generating icons representing a time period over which the budget is to extend of Groat in order to provide visual display of the financial status (Groat: page 1, ¶ 7).

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bradski (6,538,649 B2) discloses computer vision control variable transformation.

Heckel (4,697,178) discloses computer graphics system for real-time calculation and display of the perspective view of three-dimensional scenes.

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR § 1.136(a). A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR § 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VIRPI H. KANERVO whose telephone number is 571-272-9818. The examiner can normally be reached on Monday - Thursday, 8:00 a.m. - 5:00 p.m., EST. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander G. Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Virpi H. Kanervo

/Alexander Kalinowski/

Supervisory Patent Examiner, Art Unit 3691